

## TWENTY-THIRD DAY.

SENATE CHAMBER,  
AUSTIN, February 5, 1881. }

Senate met pursuant to adjournment; President Storey in the chair.

Roll called—quorum present.

Prayer by Rev. Mr. Stovall, of Mineola, Texas.

On motion of Senator Buchanan of Wood, the reading of the journals of yesterday was dispensed with, and the same adopted.

Senator Houston moved to reconsider the vote by which House bill No. 51, diminishing the jurisdiction of the county courts of certain counties, was passed on yesterday.

The President signed House bill No. 13, extending the time one year for the redemption by their owners of lands that have been sold for taxes and bought by the State.

Senator Weatherred, chairman of Committee on Judicial Districts, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 5, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Judicial Districts have had under consideration the message of the Governor, dated January 28, 1881, relating to the memorial from Wheeler county to a judicial district in the Panhandle of Texas, and to surveys and a land district therein, and instruct me to return the same to the Senate, with the statement that this committee has recommended the passage of a bill creating the judicial district mentioned, and to recommend that the message be referred to the Committee on Public Lands, that the portion thereof relating to surveys and surveying districts may receive consideration.

WEATHERRED, Chairman.

Report adopted and message so referred.

Senator Hightower, for Committee on State Affairs, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 4, 1881.

Hon. L. J. Storey, President of the Senate:

There was referred to your Committee on State Affairs two petitions, from citizens of Bandera county, addressed to the Legislature of the State of Texas, asking the provision of annual pensions of one hundred and fifty dollars to each indigent veteran of the Texas revolution, under the authority of section 55, article 16 of the Constitution. The section referred to gives the Legislature power to provide annual pensions, not to exceed \$150 per annum, to indigent surviving soldiers and volunteers in the war between Texas and Mexico, from the commencement of the revolution in 1835, to the first day of January, 1837; also, to indigent surviving signers of the Declaration of Independence of Texas, and to the surviving indigent widows, continuing unmarried, of such soldiers and signers.

The duty of providing for the class of persons thus designated, who were actors and instruments in the establishment of free government and the liberty of the people thereunder, has long been settled by precedents, the justice and propriety of which has been acknowledged by every humane and patriotic mind.

Those who are really of the class designated in the section referred to, and who are under the conditions prescribed as necessary to exist to entitle them to the aid authorized to be extended to them, are, it is thought, entitled to whatever aid the Legislature can extend to them under the limitations of the Constitution, consistent with the financial condition of the State and the pecuniary claims of other State interests and obligations of equal rank with this.

In estimating the probable amount that might be necessary to meet the genuine claims that might arise under a law such as is asked for, it is thought that genuine claimants would be comparatively few.

Over forty-three years have lapsed since the events occurred in which the proposed recipients of this aid must have been actors to entitle them to it, and those events were of such character as to have induced and required only those who were, even then, mature and stalwart men, to become actors in their tragic and bloody scenes. Scarce one of them can there be now who has not reached and passed the allotted three score years, which, in the scriptural bill of mortality, is the general limit of human life.

Few of them, there must be, under the natural law of life, yet lingering upon the stage of existence! From their thin ranks yet remains to be taken those who are not in indigent circumstances, before we can sum up the number of those who would be entitled under the conditions imposed by the Constitution to the proposed aid. In considering this subject, the recollection that under a former

law passed by the Legislature, of a similar character to the one now proposed, many frauds are said to have been perpetrated against the fund created for this purpose, by the presentation and allowance of fraudulent claims against it, obtrudes itself upon the mind. This, if true, justifies denunciation of those who were instruments in the perpetration of those frauds, but does not detract from the merit of the claims or rights of those who were the intended beneficiaries, or relieve the people, or the Legislature, of the obligation, which justice and the Constitution may have imposed upon them, to extend this aid to the real objects of it, and to guard its transmission to them by laws, both civil and criminal, which will insure their reception of it.

The objects of such legislation and their circumstances justify the conviction that whatever action might be taken, if any at all, upon the subject, would proceed from the most unselfish considerations.

These proposed beneficiaries, to meet the requirements of law, must be old and poor, with no power to arouse action, with no influence in their behalf, except that which a sense of justice and humanity may voluntarily invoke in the legislative mind.

It is unfortunate for those of this class who yet remain, that the experience of a previous attempt to aid them should operate against subsequent propositions to the same end. It is their misfortune, not their fault, if it is so.

The Committee on State Affairs have had memorials before them, asking expenditure of public means in the purchase of sites, made historic and immortal by the deeds of the compatriots of these men, and for the erection thereon of some enduring monument attesting their valor and patriotism.

Can it ever consistently recommend the expenditure of means for such a purpose, and yet deny to those of them who still live even the cup of cold water to supply the necessities of their age and poverty? If so, it will but materialize the ideal embraced in the poet's satire upon man's humanity and consistency—

"Seven cities claimed great Homer, dead,

Through which the living Homer begged his bread."

Wherefore, this committee respectfully recommend that the Senate adopt a resolution requesting the Commissioner of Insurance, Statistics and History to lay before this body a roll of the names of those who were soldiers or volunteers in said war, at the time specified in the Constitution, and of the signers of said Declaration of Independence, and also to furnish the names and place of residence of all those of them who yet survive and are in indigent circumstances, as early as it is practicable to do so, either at this or the next session of the Legislature, and that to such of them as still survive and are in indigent circumstances, the Legislature extend the aid asked for.

HIGHTOWER, for committee.

Senator Houston, chairman of Committee on Constitutional Amendments, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 4, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Constitutional Amendments instruct me to report the accompanying amendment, framed by the committee, to article 5 of the Constitution of the State of Texas, and to request that two hundred (200) copies of the same be printed for the use of the committee and the Senate.

HOUSTON, Chairman.

Report adopted, bill read first time, and two hundred copies ordered printed.

Senator Rainey introduced a bill entitled "An act to amend article 1300, chapter 11, title 29 of the Revised Civil Statutes of the State of Texas." Referred to Judiciary Committee No. 2.

Senator Lane introduced a bill entitled "An act to apply the surplus revenue in the State Treasury to the extinguishment of the State debt." Referred to Committee on Finance.

Senator Gooch introduced a bill entitled "An act to provide for the payment or purchase of the bonded debt of the State with the surplus revenue now or hereafter in the treasury, and making an appropriation therefor." Referred to Committee on Finance.

Senator Stewart introduced a bill entitled "An act to amend article 1379, chapter 18, title 29, of the Revised Civil Statutes of the State of Texas." Referred to Judiciary Committee No. 1.

Senator Hightower introduced a bill entitled "An act authorizing district courts to transfer cases of administration of estates of deceased persons, and guardianships of minors, per-

sons of unsound mind and habitual drunkards, pending before them, to the county courts, and to legalize such transfers heretofore made." Referred to Judiciary Committee No. 1.

Senator Lightfoot introduced a bill entitled "An act to amend the caption of section 3 of an act approved April 26, 1870, entitled 'an act granting a land certificate of 640 acres to each of the indigent persons who were engaged in the struggle for Texas independence prior to and at the battle of San Jacinto, enrolled under the act of July 28, 1876,' so as to provide for all the indigent surviving veterans who served in the war which separated Texas from Mexico up to January 1, 1837, and all the indigent signers of the Declaration of Independence of Texas, and to the surviving indigent widows of such veterans and signers who are dead," Referred to Committee on State Affairs.

Senator Stewart introduced a bill entitled "An act to repeal article 756, chapter 12 of title 17 of the Penal Code of the State of Texas." Referred to Judiciary Committee No. 2.

Senator Homan moved to postpone the regular order of business and take up Senate joint resolution No. 36, expressing sympathy for Ireland. Adopted, and resolution taken up, read second time and ordered engrossed.

Senate bill No. 27, being "An act concerning factors and commission merchants," being special order for this hour, was taken up, and, on motion of Senator Stubbs, was postponed and made special order for next Saturday morning, just after the morning call.

House bill No. 35, entitled "An act to amend article 1081, chapter 3, title 15, of the Code of Criminal Procedure, adopted February 21, 1879," was taken up as unfinished business, Senator Gooch's and Senator Lane's amendments pending.

Senator Gooch's amendment withdrawn by consent.

Senator Lane's substitute amendment adopted, and bill passed to third reading.

Senator Homan moved to suspend the rule to place the bill upon its third reading. Lost by the following vote:

## YEAS—15.

Cooper,	Homan,	Shannon,
Gooch,	Lane,	Stubbs,
Harris,	Lightfoot,	Terrell,
Henderson,	Powers,	Weatherred,
Hightower,	Rainey,	Wynne.

## NAYS—7.

Buchanan of Grimes	Martin of Navarro,	Stewart,
Houston,	Ross,	Tilson.
Martin of Cooke,		

## NOT VOTING—3.

Buchanan of Wood,	Moore,	Patton.
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House bill No. 7, relating to sailors and crews of foreign vessels laboring upon wharves and levees in the State of Texas, was taken up.

Senator Harris offered the following amendment: Substitute for first section the following:

Section 1. *Be it enacted by the Legislature of the State of Texas, That no captain or other officer or owner of any sea-going vessel shall compel any sailor or portion of the crew of such vessel to engage in rolling cotton, handling cargo, or laboring in any capacity on the wharves or levees of ports in the State of Texas, beyond the end of the ship's tackle.*

Also, amend second section by striking out the words "sailor or member of the crew" in first line, and inserting the words "or owner."

Lost by the following vote:

## YEAS—6.

Harris,	Ross,	Terrell,
Martin of Cooke,	Stewart,	Wynne.

## NAYS—17.

Buchanan of Grimes	Henderson,	Houston.
Cooper,	Hightower,	Lane,
Gooch,	Homan,	Lightfoot,

Martin of Navarro,	Rainey,	Tilson,
Moore,	Shannon,	Weatherred.
Powers,	Stubbs,	

## NOT VOTING—2.

Buchanan of Wood,	Patton.
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The bill was then passed by the following vote:

## YEAS—17.

Buchanan of Grimes	Lane,	Stubbs,
Buchanan of Wood,	Lightfoot,	Terrell,
Cooper,	Moore,	Tilson,
Gooch,	Powers,	Weatherred,
Homan,	Rainey,	Wynne.
Houston,	Shannon,	

## NAYS—8.

Harris,	Martin of Cooke,	Ross,
Henderson,	Martin of Navarro;	Stewart.
Hightower,	Patton,	

A message was received from the House announcing the passage of House bill No. 172, entitled "An act authorizing the County Commissioners' Court of Robertson county to issue bonds for the erection of a courthouse, and to levy a tax to pay for the same."

Also, House bill No. 286, entitled "An act to make an appropriation for the pay of assistant clerks in the Comptroller's office for the month of February, 1881."

Also, House bill No. 292, entitled "An act to reorganize the Tenth Judicial District, and to establish the Thirty-fifth Judicial District, and prescribe the time of holding terms of court therein, and providing for the appointment of a district attorney and a district judge for the Thirty-fifth Judicial District, and a district attorney for the Tenth Judicial District."

A message was received from the House announcing the passage by the House of the following concurrent resolution:

*Resolved by the House of Representatives, the Senate concurring, That John McLaughlin, an officer of the House of the Sixteenth Legislature, be granted permission to keep a cigar stand on the floor between the two Houses, under the direction of the sergeant-at-arms of each House.*

Resolution adopted.

House joint resolution No. 11, "granting leave of absence to the Hon. Jo. Abbott, Judge of the Twenty-eighth Judicial District," was taken up, read second time and passed to third reading.

Senate bill No. 19, entitled "An act to amend article 4662, chapter 1, title 95 of the Revised Civil Statutes of the State of Texas, so as to reduce the ad valorem State tax to the rate of forty cents on the \$100," was taken up, and, on motion of Senator Gooch, was postponed till Saturday next, and made special order for that day.

Senate joint resolution No. 19, "requiring the employment of female clerks," was taken up and read second time.

Senator Patton offered the following amendment: For the word "required" before "to employ," substitute "authorized."

Senator Martin of Cooke moved the previous question on bill and amendment. Motion sustained and main question ordered.

Amendment lost and resolution engrossed by the following vote:

## YEAS—21.

Buchanan of Wood,	Lightfoot,	Shannon,
Cooper,	Martin of Cooke,	Stewart,
Harris,	Martin of Navarro,	Stubbs,
Henderson,	Moore,	Terrell,
Hightower,	Powers,	Tilson,
Homan,	Rainey,	Weatherred,
Houston,	Ross,	Wynne.

## NAYS.

## Patton.

Senator Gooch—I am paired with the Senator from Grimes. If he were present he would vote no; I would vote aye.

On motion of Senator Homan, rules were suspended and bill placed on its third reading by the following vote:

YEAS—21.

Buchanan of Wood,	Lightfoot,	Shannon.
Cooper,	Martin of Cooke,	Stewart,
Harris,	Martin of Navarro,	Stubbs.
Henderson,	Moore,	Terrell,
Hightower,	Powers,	Tilson,
Homan,	Rainey,	Weatherred,
Houston,	Ross,	Wynne.

NAYS

Patton.

NOT VOTING.

Lane.

Senators Gooch and Buchanan of Grimes were paired, the former voting aye and the latter no.

Resolution read third time and passed by the following vote:

YEAS—21.

Buchanan of Wood,	Lightfoot,	Shannon.
Cooper,	Martin of Cooke,	Stewart,
Harris,	Martin of Navarro,	Stubbs.
Henderson,	Moore,	Terrell,
Hightower,	Powers,	Tilson,
Homan,	Rainey,	Weatherred,
Houston,	Ross,	Wynne.

NAYS.

Patton,

NOT VOTING.

Lane.

Senators Gooch and Buchanan of Grimes paired, the former voting aye, the latter nay.

Senator Martin of Navarro moved to postpone pending business to reconsider the passage of House bill No. 46. Adopted.

House bill No. 46, entitled "An act to amend section 1 of an act to diminish the civil and criminal jurisdiction of the county courts of certain counties in this State, and to conform the jurisdiction of the district courts of said counties to such change, approved March 27, 1879, was then returned by the clerk of the House to the Senate, and on motion of Senator Martin of Navarro, was taken up.

Senator Martin of Navarro offered the following amendment: "Strike out the county of Navarro." Adopted and bill passed by the following vote:

YEAS—23.

Buchanan of Wood,	Houston,	Shannon,
Cooper,	Martin of Cooke,	Stewart,
Lightfoot	Martin of Navarro,	Stubbs,
Gooch,	Moore,	Terrell,
Harris,	Patton,	Tilson,
Henderson,	Powers,	Weatherred,
Hightower,	Rainey,	Wynne.
Homan,	Ross,	

A message was received from the House announcing the passage of the following House joint resolution:

*Resolved by the House of Representatives, the Senate concurring, That two joint committees be appointed of seven from the House and five from the Senate, by the Speaker of the House and President of the Senate, to be styled:*

First—Committee on Congressional representation and apportionment.

Second—Committee on State Senatorial and Representative representation and apportionment.

Also, House bill No. 4, entitled "An act to amend articles 364 and 365 of an article entitled an act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas, presented to the Governor for his approval on February 27, 1879."

Also, House bill No. 14, entitled "An act to provide for the payment of the expenses of attached witnesses in felony cases."

Also, that Senate bill No. 62, entitled "An act making an appropriation of two hundred dollars for the purpose of hav-

ing the State of Texas personally represented at the meeting of the trustees of the Peabody fund at Washington City, D. C., on the second day of February, 1881," was indefinitely postponed.

On motion of Senator Henderson, Senator Patton was excused six days from Monday next, in consequence of important business.

On motion of Senator Stewart, Senator Ross was added to the Committee on Industry, Public Health, etc.

Senate joint resolution No. 24, proposing an amendment to article 8 of the Constitution of the State of Texas, by adding another section thereto, conferring power upon the Legislature to exempt certain investments in manufactures in Texas," was taken up and read second time.

Senate joint resolution No. 27, proposing to amend sections 5 and 24 of article 3 of the Constitution of the State of Texas, was taken up and read second time.

Committee amendment was adopted and resolution ordered engrossed.

Senate bill No. 28, entitled "An act to amend article 560 of the Code of Criminal Procedure," with substitute for the same, was taken up, read second time, and, on motion of Senator Patton, the substitute was adopted. Committee amendment to substitute adopted.

Senator Homan offered the following amendment: Insert after the word "application" in first line the words "by the defendant." Adopted.

On motion of Senator Patton, the bill was postponed until Tuesday morning next, and made the special order after the morning call, and one hundred copies of the substitute ordered printed.

Senator Stewart, by leave, introduced a bill, entitled "An act to amend article 1211, chapter 5, of title 29 of the Revised Civil Statutes of the State of Texas." Read by caption, and referred to Judiciary Committee No. 1.

Senator Lane moved to reconsider the vote by which House bill No. 7 (the sailors' bill) was passed to-day.

The following message was received from his Excellency, the Governor:

EXECUTIVE OFFICE, STATE OF TEXAS,  
AUSTIN, February 5, 1881.

To the Honorable Senate and House of Representatives, in the Legislature Assembled:

I herewith respectfully submit to you the memorial of the stock-raisers of the northern and northwestern portion of Texas, and also of the Secretary of the Panhandle Stock Association in regard to the wants of our citizens engaged in the stock business in this State.

This is a great and growing business that demands a most favorable and patient consideration, so as to make our laws facilitate and foster it, and at the same time protect the interests of all parties concerned in it. I have for the last two years encouraged the stockmen to memorialize the Legislature in regard to whatever would be necessary to facilitate and protect their business. They have now come forward in a large body to represent their wants in the northern and northwestern portion of the State with such a representation, for which I respectfully ask a favorable consideration so far as it can be done consistently with the interests of other sections of the State.

It is the part of broad and deliberate consideration, and not of hasty and narrow conclusions, to so provide laws, as that every conflicting interest may be promoted without material injury to any.

It is evident from what is stated in these memorials that there may be such a conflict of interests in those raising stock in the southern portion of Texas and those raising stock in Northern Texas, both in reference to inspection and to diseases of cattle that may be driven to market.

While it may not be possible to give to both of the parties in interest the full advantages of their positions, still it may be so arranged as to approximate that result with the least attainable disadvantage to both, so that both may become encouraged in their employments.

You now have the facts before you for such action as you may think best.

I would respectfully invite your attention to the laws on the subject of the inspection of cattle and hides, and to the appointment and election of such officers, and especially to a law passed by the



Sixteenth Legislature, which prevents inspectors from being elected or appointed in the organized counties on Red River, and would recommend that said laws be revised and consolidated into one consistent and harmonious act of the Legislature, and that wherever an inspector is authorized in an organized county, that he be elected as other county officers, or be appointed by the county commissioners' court, and that if an inspector be required upon the borders of the State, where there are unorganized counties, that provision be made so that a change in the routes of driving cattle will not prevent a proper inspection. The utility of our inspection laws consists in the principle that the title to stock is found in the paper title corresponding with the description of the stock in the possession of any person, and not in *prima facie* ownership of stock, derived from mere possession, as is the case in most other property. Therefore the inspector is the public agent for every owner, whether known or unknown, whose stock is found in the possession of one, who can not show a properly authenticated paper title for any and all of the stock in his possession, and the inspector has a right to take possession of it, just as the true owner would, if present in person, so as to prevent it from being driven off. Every one who moves stock can easily know whether he has in his possession any stock that could be taken out by a proper inspection, and therefore a penalty for such stock being found in his possession should be imposed, sufficient in magnitude to prevent his allowing it to remain in his possession; merely taking it out of his possession, when discovered is not sufficient to have the law complied with.

In regard to the danger of spreading the cattle fever in Northern Texas by the driving of cattle from Southern and Southwestern Texas, through to markets north of that section, it may be remedied, to a great extent at least, by prescribing a route or routes of travel so as to be known to all parties, and that itself would greatly facilitate the inspection of herds, that would be driven out of the State, as different routes might be prescribed for cattle raised in the southern portion from those in the northern portion of the State. This can all be arranged, if a liberal spirit prevails to give and take on the part of each section of the State interested in that, will demonstrate that Texas, with all of its interests, has a wisdom in its legislation adequate to all of its various interests.

The importance of attending to this matter now by this legislation is most manifest, from the consideration that notwithstanding all the theories that may be gotten up about a change of seasons by the tillage of the soil, by the planting of trees and by the running of railroads through Western Texas, it will be found at last that the raising of stock, and wealth that it generates, will be the great interest of the southwestern, the extreme western, and the northwestern portions of Texas for a great many years in the future, if not permanently in all time to come, and that to whatever extent agriculture may be introduced, it will be secondary in importance to the different sorts of stockraising.

Respectfully submitted,

O. M. ROBERTS, Governor.

To His Excellency O. M. Roberts, Governor of Texas, Austin, Texas:

Your memorialists would respectfully state that they are the representatives of the stock-growing interest of North and Northwest Texas, delegated by a large and harmonious meeting of stock-raisers, held at Fort Worth, Texas, on the eighteenth of January, 1881, to ask of this Legislature the enactment of laws for the better protection of stockraising industry of the State, beg leave to call the attention of your Excellency to the fact that the stock interest is rapidly becoming one of the largest and most remunerative industries in the State; and that owing to the peculiar condition of the country in and contiguous to which the largest number of stock is now being grown, the present laws of the State, as now enforced, do not afford to the stockraiser that security which should be given to so rapidly developing an industry. By far the greater number of stock is being raised in the sparsely settled districts and unorganized counties of the State, far removed from officers of the law. The inspection law, as now on the statute books, is the only law (except that of force), by which they receive any protection against those who see proper to drive or ship their cattle unlawfully out of the State, and that law, as it existed formerly, was rendered practically inoperative, by the enactment of a clause by the Sixteenth Legislature, exempting from inspection the counties bordering on Red River. The greater number of cattle raised in Texas and driven or shipped to market, go through North and Northwest Texas. The cattle raiser of Southern Texas, we are informed, as also the drover, oppose the present inspection law, because they say it is burdensome in requiring the inspection of the cattle by an inspector in the county from which they are driven, and another one at the point of shipment, or on the border of the State, as the case may be. They contend the present law is impracticable and cannot be complied with literally. We think the latter argument untenable, and assert it to be a fact that a herd of stock which is properly inventoried at

the starting point, although they may be driven hundreds of miles, and no cattle allowed to enter or escape from the herd, will correspond with a like inventory at the point of destination. For the better security of those engaged in stockraising, we would recommend the passage of a law which will be in its effects and operations just and equitable alike to the raiser North and South, and the drover. A law which would require a drover, before starting from any point in this State to market, to put upon record in the office of the county clerk of the county from which said cattle are driven a bill of sale if he obtain the cattle by purchase, verified by the affidavit of the party selling, that he has only sold such cattle as he had a legal right to sell; or if he drive his own cattle, then record as above a correct inventory of said cattle, stating marks, brands, age and gender of all the cattle in the herd, which shall be verified by his affidavit that said cattle are his, and that he has the legal right to drive the same; that said bill of sale or inventory as recorded shall be delivered to the owner or person in charge of the herd, which shall accompany said herd. That the law shall provide for the appointment of a number of inspectors by the Governor, the number appointed to be governed by what the Governor may deem expedient, who shall be men of known rectitude, who shall be required to give a good and sufficient bond, in any sum the Governor may see proper to require, who shall be stationed at the principal shipping points of the State, and at other principal points on the border of the State where the most prominent points are for crossing the border and leaving the State, whose duty it shall be to inspect all cattle being driven or shipped out of the State; and to provide such forfeitures and penalties as well as insure a strict compliance with the law. The law should impose such penalties and forfeitures upon the person who attempts to drive or ship any cattle out of the State without complying with the requirements of the law fully, as will deter people from trying to evade the law.

We would respectfully beg leave to state to your Excellency that we are in full accord with a memorial presented by the Hon. A. L. Matlock, on the quarantine against diseased cattle being driven into the range of native or acclimated stock.

In conclusion, we would ask of your Excellency a careful consideration of the questions involved in this memorial, and request your Excellency to make such recommendations to the Legislature as your Excellency deems meet and proper to meet the demands of justice. Respectfully,

J. D. MERCHANT,  
C. C. SLAUGHTER,  
M. HARROLD,

Representing a convention composed of over one hundred stock-raisers.

MOBILE, WHEELER COUNTY, TEXAS,  
January 24, 1881.

Hon. A. L. Matlock:

Dear Sir—You will please find enclosed a number of affidavits as to loss of cattle by the Texas fever, and a memorial with a few names. I had one that had a great many names, but owing to my official duties as district court clerk I was unable to attend the last meeting of the stockmen, and by some chance it has failed to get back to me; perhaps some of the members will send it to Austin if they find they have carried it off by mistake. Owing to the extreme cold weather, and the great distance between ranches, the parties deputized to take depositions pertaining to the loss of cattle by Texas fever, I am unable to send you anything like the loss of cattle that has been sustained in the Panhandle.

Respectfully yours,

W. L. R. DICKSON,  
Secretary Panhandle Stock Association.

To His Excellency O. M. Roberts, Governor State of Texas:

Sir—Your petitioners most respectfully represent that they are citizens and stockmen in that section of Texas known as the Panhandle, and they would further represent that the greater portion of the stock now in this section are improved native or acclimated Texas cattle, and that cattle driven from the coast counties into our region between the first of April and the first of November of each year, generates and spreads cattle fever among the native improved or acclimated herds whenever they are brought in contact, and the most of us have suffered greatly from loss of stock dying from said fever by the driving of said coast cattle into our midst.

We are of the opinion that by the enacting of a cattle quarantine law, which will regulate driving of said cattle, and establish or make a provision for the establishment of trails upon which said cattle may be driven, and establish such restrictions as will control said drives, and to provide for the appointment of such officers as will insure its execution, together with such penalties for violation or evasion of said law, by persons driving, as will make it effective, and further provide for such security or bonds for all damages occasioned by said driving of said southern cattle as will secure sufferers therefrom from loss, will tend to protect our interests and prevent

the great loss we have heretofore suffered, and will not work a hardship on the driver.

We therefore earnestly request that you present this matter to the Legislature, with such recommendations and suggestions as will insure the passage of some law that will afford us the necessary protection.

We have the honor to be, sir, very respectfully, your obedient servants,

ED. D. DAVIDSON,  
LEWIS C. HOWLS,  
THOS. S. BIGHER,  
J. C. WRIGHT.

We, the undersigned, being duly sworn, make statement of our losses of cattle, as we believe from the disease of cattle fever, as appear opposite our names, we being citizens of the Panhandle of Texas:

Name.	Cattle owned.	Year.	No. Lost.
William Anderson.....	210	1878	60
Henry Anderson.....	50	1879-80	7
J. H. Anderson.....	92	1879	5
M. M. Anderson.....	600	1879	90
B. A. Anderson.....	150	1879	40
A. C. Powers.....	260	1879	40
E. B. Chapman.....	80	1878	21
A. K. Clark.....	35	1878	5
Marion Given, by J. Atry, certified he lost all he had.....	10	1880	10
Benj. William.....	111	1879	11

Sworn to and subscribed before me, this, the seventeenth day of January, A.D. 1881.

W. S. R. DICKSON,

Clerk County Court, Wheeler county, Texas.

By BENJ. WILLIAMS, Deputy.

I, H. W. Cresswell, being duly sworn, do say that during the year 1878, I was holding cattle in Roberts county, Texas, and during the summer of said year a party by the name of Snowden drove a herd of cattle through a portion of my range, and his herd came in contact with about four hundred of my cattle, and out of said cattle two hundred head died from the Texas cattle fever and deponent sayeth that, to the best of his information, the said Snowden had driven his cattle from San Patricio county, Texas.

That during the summer of 1880 about fifteen of his cattle drifted over on the cattle trail; and out of the fifteen head, nine died and two were sick with the fever when found, and were never seen again. The said trail was a trail used for driving cattle from the southern part of the State.

H. W. CRESSWELL.

Sworn to before me.

W. S. R. DICKSON,  
Clerk County Court, Wheeler county.

#### STATE OF TEXAS, COUNTY OF MOTLEY:

O. J. Wieser, agent for Baker, Kellogg & Co., who own and hold cattle in said county to the extent of seven thousand head, being duly sworn, doth depose and say that during the summer of 1880 about fifteen hundred head of his cattle came in contact with herds of through cattle, driven by Hughes & McCormick, and about two hundred and twenty head died from the effects of Texas fever, to the best of his knowledge and belief.

O. J. WEISER,

for Baker, Kellogg & Co.

January 7, 1881.

Sworn to and subscribed January 1, 1881.

J. E. THOMPSON,

Deputy County Clerk of Wheeler county, Texas.

I, L. R. Dyse, of Hall county, Panhandle of Texas, being duly sworn, depose and say that during the fall of 1879, I was driving my beef cattle from my ranch to Dodge City, Kan., for market, and at the Canadian river I came in contact with a section of the country which had been traveled over by a herd of cattle owned by a man named Snowden, who had driven them during the summer or fall from the southern part of Texas; a short time after crossing this section of the country my cattle commenced growing sick from the disease commonly called Texas fever, and that out of the two hundred head I had twenty to die. When I started my cattle from the ranch I could have sold them for \$25 per head, but on shipping them to St. Louis I received \$10 per head for the one hundred and eighty I had left, caused by being sick and not fit for market except for tankers.

L. R. DYSE.

Sworn to and subscribed, December 20, 1880.

W. L. R. DICKSON,

Clerk County Court, Wheeler county, Texas

W. W. Dyer, of Brisco county, Panhandle of Texas, being duly sworn, depose and say that during the month of August, 1880, he was holding his herd of cattle in the aforesaid county, and

that Messrs. Hughes & McCormick drove a herd of cattle from south San Antonio, and that his cattle came in contact with the cattle of Hughes & McCormick, and grazed on the trail that they traveled on for several days. I had four hundred and ten head of improved cattle on my range, and out of that number I had one hundred and fifty head to die from the Texas cattle fever.

W. W. DYER.

Sworn to and subscribed before

W. L. R. DICKSON,  
Clerk County Court of Wheeler county, Texas.

I, Charles Goodnight, of Armstrong county of the Panhandle of Texas, being duly sworn, depose and say, that during summer and fall of 1878 I was driving my beef cattle from my ranch to Dodge City, Kansas, for market, and at or near Canadian river I came in contact with a section of country which had been passed through by a through herd owned by a man by the name of Snowden, driving from Southern Texas, and a few days after I crossed my cattle commenced dying from the Texas cattle fever, and that one hundred head of two hundred head I was driving died, and that I only realized \$10 per head in St. Louis for the one hundred head that did not die, they having to be sold for tankers.

CHAS. GOODNIGHT

Sworn to and subscribed before

W. L. R. DICKSON,  
Clerk County Court Wheeler County, Texas.

#### THE STATE OF TEXAS, WHEELER COUNTY:

J. O. Johnson, being duly sworn, doth depose and say, that he is agent for J. W. Hale, who owns and holds cattle in Motley county, Texas, and that during the summer of 1880 about 1800 head of his improved cattle came in contact with herds driven by — from San Saba county, Texas, and Hughes & McCormick, from Bexar county, and to the best of his knowledge and belief four hundred of said cattle died from the Texas cattle fever.

J. O. JOHNSON.

Sworn to and subscribed before me.

J. E. THOMPSON,  
Deputy County Clerk Wheeler County, Texas.

I, Thos. S. Bugbee, being duly sworn do say that during the year 1878 I was holding cattle in Hutchison county, Texas, and during the summer of said year a party by the name of Henry Stevens drove two herds through one corner of my range; also a herd driven by Jacob Snowden. The above cattle came in contact with about 200 of my improved cattle, and out of the 200 head about fifty died from the Texas cattle fever; said cattle supposed to have been driven from Nueces county, Texas.

THOS. S. BUGBEE.

Senator Cooper moved the suspension of the reading of the Governor's message; that it be printed with accompanying memorials in the Senate journal, and that the same be referred to the Committee on Stock and Stockraising. Adopted.

The following House bills were taken up, and referred to appropriate committees:

House bill No. 292, to the Committee on Judicial Districts.

House bill No. 172, and House bill No. 286, referred to Committee on Finance.

House concurrent resolution, with regard to joint committees on apportionment, referred to the Committee on State Affairs.

House bill No. 14, referred to the Committee on Finance.

Senator Martin of Cooke, by leave, introduced a bill entitled "An act to provide for the issuance of manuscript bonds of the State, for the investment of the funds derived from the sale of lands belonging to the State university, the public free schools of the State, and of the lands set apart to the several counties for school purposes, and for the retirement of outstanding bonds of the State, with the proceeds of the sale of the bonds, issued to said school funds." Referred to the Committee on Finance.

Senator Henderson, chairman of the Committee on State Asylum, by leave, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 5, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on State Asylums having examined into the condition of the State Lunatic Asylum, beg leave to report the needs of that institution for the next two years ending February 28, 1883.

We find that for the past year there was an average of 339 inmates of said institution; that the revenues for their support consisted of:

Balance on hand from preceding year.....	\$4,836 10
Received from private patients.....	5,366 25
Counties—old indebtedness received.....	1,479 97
State appropriation received.....	55,482 74
All other sources.....	177 79

In all aggregating.....\$67,330 85  
Of this amount, for improvements, deduct.....20,447 93

Which left for annual support of the inmates .....\$46,891 92

This amount divided among the inmates gave \$138.32 for the support, care and maintenance of each of them; scarcely sufficient in the opinion of the committee for their proper comfort and support.

The committee do not anticipate that there will be anything of the annual appropriation left over at the end of the present year (February 28, 1881), and that of the remaining county indebtedness it is not expected that any of the balance thereof will be collected, and as far as revenues from private patients are concerned they are purely speculative and can not be relied on as a source of revenue, and we do not take the foregoing into account in recommending an appropriation.

The committee are further of the opinion that the salary of the superintendent, to-wit, \$1800, as allowed him by the last Legislature, is too small for the duty, labor and responsibility imposed on that officer, and that same should be increased to twenty-five hundred dollars; and also, that the pay of some of the other employees should be increased, and that some additional help should be employed. But aside from fixing the salary of the superintendent in the appropriation bill, we do not believe it to be the best policy of the Legislature in the matter of appropriation to go into details, but to make an appropriation in gross, and leave it to the board of directors of the institution to fix the salaries and pay off officers and employees, and to make the proper distribution of the fund for the support of the institution.

Your committee are of opinion from the foregoing considerations, that the appropriation per capita should be increased to \$150 for each inmate; and taking for a basis 379 inmates, the present number and full capacity of the institution, we have the honor to recommend an appropriation in gross of \$56,850 for the annual support of the institution for the next two years—that is, said amount for each year—and that in addition hereto an annual salary of twenty-five hundred dollars be allowed the superintendent; and that said gross sum be applied and appropriated through and by the board of directors.

Should said institution be enlarged, and its capacity increased, as is now contemplated, a larger appropriation will become necessary. We suggest, however, that should a bill be passed at this session for the enlargement of the institution, that it contain a special appropriation for the support of the inmates thereof on the same basis in this report, to-wit, \$150 for each additional inmate received.

The committee, in closing this report, deem it but just to an efficient officer to state that so far as we could judge the institution has been conducted with proper regard to the welfare and comforts of the inmates, and the best interest of the State.

All of which is respectfully submitted.

HENDERSON, Chairman.

Referred to the Committee on Finance.

On motion of Senator Homan, the Senate adjourned till Monday next at 10 A. M.

#### TWENTY-FOURTH DAY.

SENATE CHAMBER,  
AUSTIN, February 7, 1881. }

Senate met pursuant to adjournment; the President in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

On motion of Senator Tilson, the reading of the journal of Saturday was dispensed with, and same adopted.

On motion of Senator Moore, Senator Ross was indefinitely excused on account of sickness and death in his family.

The President laid before the Senate a memorial of the Sunday school convention at Dallas, endorsing the Sunday law. Referred to Committee on State Affairs.

Also, a petition signed by citizens of Milam county, asking the Legislature to pass an act authorizing the people

of the State to vote on a change in the Constitution of the State so as to prohibit the manufacture and sale of alcoholic drinks, and making a violation of that law punishable by a fine of one thousand dollars and imprisonment for one year for each offense. Referred to Committee on Constitutional Amendments.

Senator Shannon introduced a bill entitled "An act to create the office of animal and hide inspector, to prescribe his duties and affix penalties, and to encourage stockraising." Referred to Committee on Stock and Stockraising.

Also, a bill entitled "An act to amend chapter 15, title 17, of the Penal Code of the State of Texas, by adding article 786." Referred to Judiciary Committee No. 2.

Senator Harris introduced a bill entitled "An act to amend article 2725, chapter 1, of title 68 of the Revised Civil Statutes of the State of Texas, adopted February 28, 1879." Referred to Judiciary Committee No. 1.

Senator Lightfoot introduced a bill entitled "An act for the relief of Thomas B. Hearne." Referred to Committee on Private Land Claims."

Senator Tilson introduced a bill entitled "An act to amend an act entitled 'an act to change and define the time of holding the terms of the district court in the Fifth Judicial District of the State of Texas,' passed by the Sixteenth Legislature, approved April 23, 1879." Referred to Committee on Judicial Districts.

Senator Wynne introduced a bill entitled "An act doubling the penalty of all offenses committed in the State of Texas with weapons the carrying of which is prohibited by law." Referred to Judiciary Committee No. 2.

Senate bill No. 10, entitled "An act to prescribe the requisites of indictments in certain cases," being special order, was taken up.

On motion of Senator Homan, the special order was postponed ten minutes, to take up Senate joint resolution No. 36, expressing sympathy with Ireland, which was accordingly taken up, read third time and passed.

The consideration of the special order, Senate bill No. 10, was resumed, bill read second time and ordered engrossed.

Senate joint resolution No. 12, "proposing to repeal section 56 of article 16 of the Constitution of the State of Texas," was taken up and read third time.

Senator Lightfoot offered the following substitute: Substitute by the adoption of the following:

That section 56 of article 16 of the Constitution of the State of Texas shall be so amended as to hereafter read as follows:

Section 56. The Legislature shall have no power to appropriate any of the public money for the purpose of paying the passage of of any emigrant to this State; but the Legislature may, from time to time, adopt such means as may be thought proper in order to invite and encourage immigration.

Senator Harris moved to amend substitute by inserting after the "power" the words "to establish an immigration bureau nor." Accepted.

The substitute was then lost by the following vote:

YEAS—12.		
Buchanan of Wood,	Houston,	Stubbs,
Gooch,	Lightfoot,	Swain,
Harris,	Martin of Cooke,	Terrell,
Hightower,	Rainey,	Tilson.
NAYS—14.		
Burges,	Lane,	Shannon,
Cooper,	Martin of Navarro,	Stewart,
Henderson,	Moore,	Weathered,
Homan,	Patton,	Wynne.
Lair,	Powers,	

Senator Lane offered the following substitute:

Be it resolved by the Legislature of the State of Texas, That section 56 of article 16 of the State Constitution be so amended as to read as follows:

Section 56. The Legislature may have the power to make an annual appropriation in an amount not to exceed three thousand dol-